

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #15	CCRB Case #: 201703556	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/25/2017 10:00 AM	Location of Incident: West 150th Street and 7th Avenue	Precinct: 32	18 Mo. SOL 10/25/2018	EO SOL 10/25/2018	
Date/Time CV Reported Fri, 04/28/2017 9:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/05/2017 12:08 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Anlu Rodriguez	03118	936655	032 PCT
2. POF Tamara Williams	07912	939697	032 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Tamara Williams	Abuse: Police Officer Tamara Williams stopped § 87(2)(b) and § 87(2)(b)	
B.SGT Anlu Rodriguez	Abuse: Sergeant Anlu Rodriguez stopped § 87(2)(b) and § 87(2)(b)	
C.POF Tamara Williams	Abuse: Police Officer Tamara Williams refused to provide her name to § 87(2)(b)	
D.SGT Anlu Rodriguez	Force: Sergeant Anlu Rodriguez used physical force against § 87(2)(b)	

Case Summary

On April 25, 2017, at approximately 10:00 a.m. § 87(2)(b), when they were allegedly stopped at the intersection of West 150th Street and 7th Avenue, in Manhattan by PO Tamara Williams and Sgt. Anlu Rodriguez from the 32nd Precinct (**Allegations A and B**). During the stop, PO Williams allegedly informed § 87(2)(b) and § 87(2)(b) that it was late for them to be going to school. § 87(2)(b) informed PO Williams that they were late because they overslept. Sgt. Rodriguez allegedly asked § 87(2)(b) and § 87(2)(b) their names and ages and informed them that they were truants. At that point, § 87(2)(b) called her mother, § 87(2)(b) and informed her that they were stopped by officers. PO Williams allegedly asked to speak with § 87(2)(b) and during the conversation § 87(2)(b) allegedly asked PO Williams for her name. PO Williams allegedly said to § 87(2)(b) “I am not stating my name. Why do you need my name and badge number?” (**Allegation C**). After that, Sgt. Rodriguez exited the patrol car and approached § 87(2)(b). While instructing him to get in the patrol car, Sgt. Rodriguez allegedly grabbed his left wrist and pushed him inside the car (**Allegation D**). § 87(2)(b) and § 87(2)(b) were taken to § 87(2)(b).

Mediation, Civil and Criminal Histories

- On June 7, 2017, the case was referred to the Mediation Unit. However, it was returned to the Investigations Division on June 26, 2017, after the officers declined to mediate this complaint.
- On July 12, 2017, a notice of claim inquiry for § 87(2)(b) and § 87(2)(b) were sent to the Office of New York City Comptroller. On July 17, 2017, it revealed there were records found (BR 13).
- § 87(2)(b);§§ 86(1)(3)(4);§ 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) § 87(2)(b).
This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (BR 09).
- Sgt. Rodriguez has been a member of service for 12 years and has been the subject of two previous CCRB allegations involving two cases. These allegations were not substantiated.
- PO Williams has been a member of service for 12 years and has been the subject of two previous CCRB allegations involving two cases. These allegations were not substantiated.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Tamara Williams stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority: Sergeant Anlu Rodriguez stopped § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) (BR 03) and § 87(2)(b) (05) testified during their CCRB statements that their mother § 87(2)(b) parted ways with them a few blocks away from § 87(2)(b) while they continued on to school. Approximately one to three blocks away from the school, PO Williams and Sgt. Rodriguez slowly drove their marked police Jeep towards them and allegedly stopped them. Sgt. Rodriguez allegedly asked § 87(2)(b) for their names and ages and informed them they were truants. PO Williams allegedly asked § 87(2)(b) and § 87(2)(b) the reason they were late and both § 87(2)(b) and § 87(2)(b) explained to PO Williams that they overslept.

Sgt. Rodriguez (BR 06) and PO Williams (BR 07) testified that Sgt. Rodriguez initiated the stop after they observed § 87(2)(b) and § 87(2)(b) walking in the rain during truancy hours. PO Williams explained truancy hours are from 9:00 a.m. to 1:00 p.m. Sgt. Rodriguez and PO Williams explained once PO Williams stopped the patrol vehicle, they exited the RMP and spoke to § 87(2)(b) as she was the eldest. Sgt. Rodriguez asked § 87(2)(b) where they were going, and § 87(2)(b) informed Sgt. Rodriguez that they were going to school. At that point, Sgt. Rodriguez informed § 87(2)(b) that they would be taken to school.

According to A-101 (4) of the Regulations of the Chancellor of the NYC Department of Education, all students between the ages of 5 and 17 must attend school throughout the school year if no high school diploma has been granted (BR 10). NYPD Patrol Guide Procedure 215-07 defines a truant as a minor who is not in compliance with the attendance requirement of the New York City Department of Education Regulations, and directs officers that encounter truants to, “Take minor into custody and deliver to principal or designee of school attended, if known.” It also advises officers that sufficient standard of proof to stop a truant exists when, “Observing a minor, who reasonably appears to be over the age of six and less than eighteen outside of school on a day of instruction...” (BR 11, 12).

Since it is undisputed by all parties that § 87(2)(b) and § 87(2)(b) were minors who appeared to be of school age and were seen by officers on the street outside of school on a day of instruction, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Tamara Williams refused to provide her name and shield number to § 87(2)(b)

§ 87(2)(b) (BR 04) testified that § 87(2)(b) called her and informed her that she and § 87(2)(b) were stopped by officers from the 32nd Precinct. During the call § 87(2)(b) explained § 87(2)(b) informed her that § 87(2)(b) was pushed into the car. At that point, § 87(2)(b) asked to speak with PO Williams, but PO Williams refused to speak with her. § 87(2)(b) explained she overheard the statement, “We’re taking you to school. We’re taking you to school.” § 87(2)(b) asked to speak to PO Williams a second time and PO Williams came to the phone and spoke to § 87(2)(b). During the phone call, § 87(2)(b) asked PO Williams to state her name. PO Williams allegedly responded, “No I am not stating my name. Why do you need my name and

badge number?" § 87(2)(b) explained she told PO Williams that she would file a complaint, and PO Williams responded, "You can pick up your kids at the precinct."

§ 87(2)(b) testified when she called § 87(2)(b) she had the phone on speaker when PO Williams asked to speak to § 87(2)(b) explained § 87(2)(b) asked PO Williams the reason she was questioning § 87(2)(b) instead of § 87(2)(b) PO Williams responded, "That's my job" and disconnected the call.

PO Williams testified once § 87(2)(b) and § 87(2)(b) were stopped, she asked § 87(2)(b) to call her mother as it was difficult to speak with § 87(2)(b) PO Williams explained once she got on the phone she identified herself by name and command, informed § 87(2)(b) that her children were stopped and asked § 87(2)(b) the reason § 87(2)(b) and § 87(2)(b) were out during truancy hours. PO Williams described § 87(2)(b) was rude during the conversation as she stated to PO Williams, "I hate you fucking cops, why y'all fucking with my fucking kids?" During the conversation, § 87(2)(b) informed PO Williams that she would report her and PO Williams responded, "Ok." PO Williams explained at no point during the call was she asked to provide her name or shield number

Sgt. Rodriguez explained she did not hear anyone ask PO Williams for her name or shield number, nor did she hear PO Williams provide her name or shield number over the phone.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation D – Force: Sergeant Anlu Rodriguez used physical force against § 87(2)(b)

§ 87(2)(b) testified that Sgt. Rodriguez exited the police car approached him and allegedly grabbed his wrist and instructed him to get inside the police car. § 87(2)(b) explained he told Sgt. Rodriguez to let go of his wrist but she did not respond. He further explained as he was stepping inside of the police car, Sgt. Rodriguez allegedly threw him inside the police car. § 87(2)(b) described, Sgt. Rodriguez held his right wrist and pushed him inside the police car into a sitting position.

§ 87(2)(b) testified that 10 minutes after they were stopped, Sgt. Rodriguez grabbed § 87(2)(b)'s wrist and pushed him inside the police car. § 87(2)(b) explained § 87(2)(b) attempted to exit the police car and stood on the door frame when Sgt. Rodriguez placed her open palm on § 87(2)(b)'s upper back and pushed him in a sitting position. She explained the push was done in a hard manner because immediately after § 87(2)(b) began crying hysterically.

Sgt. Rodriguez and PO Williams testified that § 87(2)(b) was compliant when he was told to get inside the police car. Sgt. Rodriguez explained § 87(2)(b) refused to get inside the police car and attempted to pull § 87(2)(b) out of the police car. Eventually, § 87(2)(b) was guided inside the police car by Sgt. Rodriguez. Sgt. Rodriguez described she extended her arms and placed them on § 87(2)(b)'s shoulder and arm to guide her inside the police car. Sgt. Rodriguez explained she did not make physical contact with § 87(2)(b) Sgt. Rodriguez explained she did not grab § 87(2)(b)'s wrist or push him inside the police car because he walked inside the police car.

PO Williams explained after § 87(2)(b) and § 87(2)(b) were instructed to get inside the police car, § 87(2)(b) walked into the police car without any issues. PO Williams explained Sgt. Rodriguez had to instruct § 87(2)(b) twice to enter the police car before she

was physically guided into the police car. PO Williams testified she did not witness Sgt. Rodriguez grab § 87(2)(b) s wrist or push him inside the police car, and at no point during the stop did she touch § 87(2)(b)

§ 87(2)(g)

Squad: 15

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date